

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

JONATHAN BRANDT

§

VS.

§

CIVIL ACTION NO. 1:12-CV-428

HOLIDAY UNIT, TDCJ-CID

§

MEMORANDUM OPINION REGARDING TRANSFER

Plaintiff Jonathan Brandt, a prisoner previously confined at the Holiday Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff contends prison officials at the Holiday Unit incorrectly calculated his sentence.

Discussion

The Civil Rights Act, 42 U.S.C. § 1981, *et seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bailey*, 58 F.R.D. 453 (N.D. Ga. 1972); *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. However, under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

The Holiday Unit is located in the Houston Division of the United States District Court for the Southern District of Texas. The court has considered the circumstances and has determined that the interests of justice would best be served if the complaint were transferred to the district in which the claims arose. Therefore, the case should be transferred to the Southern District of Texas. An order so providing will be entered by the undersigned.

SIGNED this 5th day of September, 2012.



Zack Hawthorn
United States Magistrate Judge